

House Judiciary Committee Amendment # 1 as amended by Amendments
1, 2, 4 and 5 to # 1

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2759

House Bill No. 2404*

by deleting all language after the caption and by substituting instead the following:

Whereas, after numerous meeting and hours of testimony, the joint committee to study narcotics found that the use and sale of illegal drugs is threatening the citizens of Tennessee like never before.

Whereas, approximately eighty percent (80%) of crimes committed in Tennessee are drug related.

Whereas, all points of attack on the ever-growing drug threat, from education to law enforcement, are currently ineffective.

Whereas, in light of manpower and monetary limitations, the investigation of illegal drugs in the state of Tennessee is not currently effective,

Whereas, no single agency, bureau or division in the state focuses primarily on illegal drugs.

Whereas, at present, agents designated as narcotics agents within the Tennessee bureau of investigation are currently unable to focus primarily on the investigation of illegal drugs in the state of Tennessee;

Whereas, the intent of the General Assembly is to create a division of narcotics investigation within the Tennessee bureau of investigation, with the sole mission of investigating illegal drugs, working together with existing agencies to achieve this purpose, and reporting to the General Assembly on the needs, achievements, and overall effectiveness of the ongoing battle against drugs in Tennessee; now, therefore,

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 38-6-101, is amended by deleting the language in (a)(2) and substituting instead the following:

(a)(2) The bureau shall be divided into three (3) divisions, the criminal investigation division, the forensic services division, and the narcotics investigation division, and the director shall have full control over all divisions.

SECTION 2. Tennessee Code Annotated, Section 38-6-102, is amended by deleting the following language from the first sentence of the subsection:

“violations of the Tennessee narcotics laws or laws relating to barbital, amphetamine, desoxyephedrine, or compounds or mixtures thereof, including all derivatives of phenylethylamine or any of the salts thereof which have a stimulating effect on the central nervous system, and barbiturates and its derivatives,”.

SECTION 3. Tennessee Code Annotated, Title 38, Chapter 6, is amended by adding the following as new sections to be designated as follows:

Section 38-6-201. There is hereby created the narcotics investigation division within the Tennessee bureau of investigation.

Section 38-6-202. The mission of the narcotics investigation division shall be to investigate, gather evidence and assist in the prosecution of criminal offenses involving controlled substances, narcotics, and other drugs.

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The narcotics investigation division shall have original jurisdiction over the investigation of all drugs.

Section 38-6-203. Any and all agents assigned to investigate illegal narcotics and drug use within the Tennessee bureau of investigation as of July 1, 1998, shall be automatically assigned to the narcotics investigation division upon the effective date of this act.

Section 38-6-204.

(a) An assistant director shall be appointed by the director to administer the narcotics investigation division.

(b) The assistant director shall be a person of experience and ability in the investigation or prosecution of criminal offenses involving controlled substances, narcotics and other drugs.

(c) The assistant director of the narcotics investigation division, acting for and in consultation with the director, shall apply for all federal or state funds or grants that may be available for the purposes for which the narcotics investigation division was created.

Section 38-6-205.

(a) The narcotics investigation division shall consist of those agents transferred into the new division according to Section 38-6-203, and an additional sixteen (16) agents. The division shall also include four (4) special agents in

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charge, two (2) secretaries, and one (1) executive secretary. The director, with the approval of the governor, may increase the number of persons employed in the narcotics investigation division, to such number as may be found feasible and necessary.

(b) The assistant director and agents appointed shall be citizens of the United States and the state of Tennessee, and of good moral character. The agents shall have satisfactorily completed a prescribed course of study at a school operated by the federal drug enforcement agency, U.S. Justice Department. The assistant director shall also be required to complete a prescribed course of study at a school operated by the federal drug enforcement agency, U.S. Justice Department.

(c) The narcotics investigation division may enter into agreements with bureaus, departments, or judicial drug task forces within the state of Tennessee or of other states or of the United States for the exchange or temporary assignment of agents for special undercover assignments and for performance of specific duties. The assistant director, at the direction of the director of the Tennessee bureau of investigation, is hereby authorized to assign agents of the bureau to such duty and to request and accept agents from such other bureaus or departments for such duty.

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(d) At any time during the employment with the narcotics investigation division, the assistant director, at the direction of the director of the Tennessee bureau of investigation, may request an agent, employee, or other person working with the division, to submit to a mandatory drug test. Refusal to submit to take such drug test shall be grounds for dismissal.

(e) All such agents shall be assigned to the narcotics investigation division except that the director may, when necessary, temporarily reassign such agents to perform other duties within the bureau.

Section 38-3-206. The narcotics investigation division of the Tennessee bureau of investigation shall have the full cooperation and cooperate fully with the state board of pharmacy, the state board of medical licensure, the state department of health, the state department of revenue, the state department of safety, judicial drug task forces, the district and county attorneys, and of the attorney generals office, and all local law enforcement agencies.

Section 38-3-207. The director of the Tennessee bureau of investigation and the assistant director of the narcotics investigation division shall present a written report each year to the House of Representatives and Senate Judiciary Committees. The report shall include, but shall not be limited to, the number of investigations currently under way by the division, investigations that resulted in arrests during the previous year, the number of such arrests that resulted in

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convictions, the class of felony or misdemeanor convictions resulting from such arrests, and the schedule of drug or drugs involved in such arrests and convictions. The report shall also include information relative to the levels of cooperation encountered among the various agencies, internally and otherwise, and other related information regarding the activities of the narcotics investigation division. The purpose of the report shall be to inform the General Assembly as to the effectiveness and needs of the narcotics division. The above information shall be reported by race or ethnicity where available.

SECTION 4. This act shall take effect July 1, 1998, the public welfare requiring it.

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